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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/702,038 | 11/06/2003 | Kouichi Katou | P21-163397M/YS | 9362 |
| 21254 7590 03/05/2008 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817 | | | | |
| EXAMINER | | | | |
| BOSWELL, CHRISTOPHER J | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3673 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/702,038

Applicant(s)

KATOU ET AL.

Examiner

CHRISTOPHER BOSWELL

Art Unit

3673

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 27, 28 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,781,407 to Rauchhaus.

Rauchhaus discloses a lock apparatus for attaching a container member (1) to a support member openably, the lock apparatus comprising an operation handle (34), a spring (28), which is movably supported by the container member, a slide pin (10 and 11), which is urged in a direction of a lock hole (holes aligned with the ends of the slide pins) defined on the support member by the spring, respectively, and a cam member (19 and 20) to which a rear end portion of the slide pin is fitted to urge the slide pin to project and retract (figures 4 and 5), wherein when the operation handle is operated in a swing manner, a front end portion of the slide pin is retracted from the lock hole of the support member against pressure of the spring (column 3, lines 5-20), and wherein a cylindrical portion (35) that accommodates the cam member is formed on the operation handle (figure 2), as in claim 1.

Rauchhaus also discloses the cylindrical portion accommodates the spring (the cylindrical portion houses the spring within the extents of the portion), as in claim 27, and a support frame (frame the establishes recess 5) that supports the operation handle, the spring, and the cam member, as in claim 28, as well as the cylindrical portion includes a projected portion (41 and 42) on an inner face thereof, and wherein the cam member includes a cam groove (24) having a

guide portion (25, 26 and 43) for guiding the projected portion into the cam groove, as in claim 31.

Rauchhaus further discloses the cylindrical portion includes a pair of projected portions (41 and 42) on an inner face thereof, the pair of projected portions being opposed to each other (opposed on either side of the center line 4), and wherein the cam member includes a pair of cam grooves (24) each including a guide portion (25, 26 and 43) for guiding the one of the projected portions thereinto, as in claim 32, and the cam member includes a cam groove (24) having a lock portion (the juncture of the groove walls 26 and 43) for locking the cam member at a position that the cam member is retracted in the cylindrical portion, as in claim 33.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauchhaus, as applied above, in view of U.S. Patent Number 5,413,391 to Clavin et al.

Rauchhaus teaches of a lock apparatus for attaching a container member to a support member openably, the lock apparatus comprising an operation handle, a spring, a slide pin, urged in a direction of a lock hole defined on the support member by the spring, and a cam member, a cylindrical portion that accommodates the cam member formed on the operation handle, and a support frame (frame the establishes recess 5) that includes bent walls (30) bent to extend in a

direction towards the cylindrical portion at both side edges thereof, wherein each of the bent walls includes an opening (bore that allows the slide pins to extend through the walls) that allows a front end of the cam member to go therethrough, as in claim 29, wherein the cam member is supported by the opening (via elements 31 and 32) so that the front end is not rotatable but can go through the opening (column 6, lines 9-21), as in claim 30. However, the support frame does not have a screw hole on a rear surface. Clavin et al. teaches of a lock apparatus comprising an operation handle (22), a spring (26), a slide pin (25), and a cam member (23), and a support frame (29) that include a screw hole (apertures that accept screws 30) on a rear surface side thereof that includes bent walls (the walls that extend orthogonal to the rear surface) bent to extend in a direction towards the handle, wherein the bent walls includes an opening (openings that allow the bolt to extend through), such that the lock apparatus can be attached to a housing by the use of screws (30). It would have been obvious to one with ordinary skill in the art to use screws and associated screw holes in the support frame in the apparatus of Rauchhaus to attach the lock apparatus to a container member securely as taught by Calvin et al. Using the known technique of screws and associated screw holes for the predictable results of securely attaching a lock apparatus to a container member of Rauchhaus would have been obvious to one of ordinary skill.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauchhaus, as applied above, in view of Clavin et al.

Rauchhaus teaches the invention substantially as claimed. However, Rauchus does not disclose an O-ring which slide contacts with the cylindrical portion and a cylindrical portion of

the cam member simultaneously. Clavin et al. teaches of a lock apparatus (figure 1) having a handle (22) that actuates a cam member (23 and 31), a locking bolt, a cylindrical portion (93) that houses the cam member, and an O-ring (35) that contacts the cylindrical portion and a cylindrical portion (85) of the cam member (figure 15). All of the component parts are known in Rauchhaus and Clavin et al. The only difference is the combination of the “old elements” into a single device by mounting them on a single chassis. Thus it would have been obvious to one having ordinary skill in the art to apply an O-ring as taught by Clavin et al. between the cylindrical portion of the handle and a cylindrical portion of the cam member in Rauchhaus, since an O-ring disposed within the lock apparatus is in no way dependent on functionality of the lock apparatus and the associated components, and the O-ring could be used in combination with lock apparatus to achieve the predictable results of having a weather proof seal within the lock apparatus.

Response to Arguments

Applicant's arguments with respect to claims 1 and 27-34 have been considered but are moot in view of the new ground(s) of rejection. A previously applied reference, Rauchhaus, substantially discloses a lock apparatus having a cylindrical portion that accommodates the cam member is formed on the operation handle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to side lock assemblies:

U.S. Patent Number 7,182,373 to Yamada, U.S. Patent Number 6,152,512 to Brown et al., U.S. Patent Number 2,136,854 to Knott.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell
Examiner
Art Unit 3673

/Patricia L Engle/
Supervisory Patent Examiner,
Art Unit 3673

CJB
February 21, 2008